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7 Attorneys for Complainant

8 **BEFORE THE**  
9 **FOR THE DENTAL BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No.

13 VLADISLAV VIKSMAN, DDS  
19234 Vanowen Street  
Reseda, CA 91335

**ACCUSATION**

14 Dentist License No. 39909

DBC 2008-74

15 Respondent.  
16

17 Complainant alleges:

18 **PARTIES**

19 1. Cathleen J. Poncabare (Complainant) brings this Accusation solely in her  
20 official capacity as the Executive Officer of the Dental Board of California, Department of  
21 Consumer Affairs.

22 2. On or about November 8, 1991, the Dental Board of California (Board)  
23 issued Dentist License Number 39909 to Vladislav Viksman, DDS (Respondent). The Dentist  
24 License was in full force and effect at all times relevant to the charges brought herein and will  
25 expire on November 30, 2010.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board, under the authority of the  
28 following laws set forth in this accusation. All section references are to the Business and

1 Professions Code (Code) unless otherwise indicated.

2 STATUTORY PROVISIONS

3 4. Section 101.1(b) of the Code states:

4 "(1) In the event that any board, as defined in Section 477, becomes inoperative or  
5 is repealed in accordance with the act that added this section, or by subsequent acts, the  
6 Department of Consumer Affairs shall succeed to and is vested with all the duties, powers,  
7 purposes, responsibilities and jurisdiction not otherwise repealed or made inoperative of that  
8 board and its executive officer.

9 (2) Any provision of existing law that provides for the appointment of board  
10 members and specifies the qualifications and tenure of board members shall not be implemented  
11 and shall have no force or effect while that board is inoperative or repealed. Every reference to  
12 the inoperative or repealed board, as defined in Section 477, shall be deemed to be a reference to  
13 the department."

14 5. Section 118, subdivision (b), of the Code provides that the suspension,  
15 expiration, surrender or cancellation of a license shall not deprive the Board of jurisdiction to  
16 proceed with a disciplinary action during the period within which the license may be renewed,  
17 restored, reissued or reinstated.

18 6. Section 490 of the Code provides, in pertinent part, that "a board may  
19 suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the  
20 crime is substantially related to the qualifications, functions, or duties of the business or  
21 profession for which the license was issued."

22 7. Section 810 of the Code states:

23 "(a) It shall constitute unprofessional conduct and grounds for disciplinary action,  
24 including suspension or revocation of a license or certificate, for a health care professional to do  
25 any of the following in connection with his or her professional activities:

26 (1) Knowingly present or cause to be presented any false or fraudulent claim for  
27 the payment of a loss under a contract of insurance.

28 (2) Knowingly prepare, make, or subscribe any writing, with intent to present or

1 use the same, or to allow it to be presented or used in support of any false or fraudulent claim.

2 (b) It shall constitute cause for revocation or suspension of a license or certificate  
3 for a health care professional to engage in any conduct prohibited under Section 1871.4 of the  
4 Insurance Code or Section 549 or 550 of the Penal Code."

5 8. Section 1670 states:

6 "Any licentiate may have his license revoked or suspended or be reprimanded or  
7 be placed on probation by the board for unprofessional conduct, or incompetence, or gross  
8 negligence, or repeated acts of negligence in his or her profession, or for the issuance of a license  
9 by mistake, or for any other cause applicable to the licentiate provided in this chapter. The  
10 proceedings under this article shall be conducted in accordance with Chapter 5 (commencing  
11 with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board  
12 shall have all the powers granted therein."

13 9. Section 1670.1 states, in pertinent part:

14 "Any licentiate under this chapter [chapter 4 (commencing with section 1600)]  
15 may have his or her license revoked or suspended or be reprimanded or be placed on probation  
16 by the board for conviction of a crime substantially related to the qualifications, functions, or  
17 duties of a dentist or dentist auxiliary, in which case the record of conviction or a certified copy  
18 thereof, certified by the clerk of the court or by the judge in whose court the conviction is had,  
19 shall be conclusive evidence.

20 The board shall undertake proceedings under this section upon the receipt of a  
21 certified copy of the record of conviction. A plea or verdict or guilty or a conviction following a  
22 plea of nolo contendere made to a charge of a felony or of any misdemeanor substantially related  
23 to the qualifications, functions, or duties of a dentist or dental auxiliary is deemed to be a  
24 conviction within the meaning of this section. The board may order the license suspended or  
25 revoked, or may decline to issue a license, when the time for appeal has elapsed, or the judgment  
26 of conviction has been affirmed on appeal or when an order granting probation is made  
27 suspending the imposition of sentence, irrespective of a subsequent order under any provision  
28 of the Penal Code, including, but not limited to, Section 1203.4 of the Penal Code, allowing such

1 person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the  
2 verdict of guilty, or dismissing the accusation, information or indictment."

3 10. Section 1680 states:

4 "Unprofessional conduct by a person licensed under this chapter [Chapter 4  
5 (commencing with section 1600)] is defined as, but is not limited to, any one of the following:

6 (a) The obtaining of any fee by fraud or misrepresentation.

7 . . . . .

8 (n) The violation of any of the provisions of this division.

9 . . . . .

10 (x) Any action or conduct which would have warranted the denial of the license."

11 REGULATORY PROVISIONS

12 11. California Code of Regulations, Title 16, section 1019, states:

13 "For the purposes of denial, suspension or revocation of a license of a dentist or a  
14 dental auxiliary pursuant to Division 1.5 (commencing with Section 475) of the Code, a crime or  
15 act shall be considered to be substantially related to the qualifications, functions, or duties of a  
16 dentist or dental auxiliary if to a substantial degree it evidences present or potential unfitness of a  
17 licensee to perform the functions authorized by his license in a manner consistent with the public  
18 health, safety, or welfare. Such crimes or acts shall include but not be limited to, those  
19 involving the following:

20 . . . . .

21 (b) Any violation of the provisions of Chapter 4, Division 2 of the Code."

22 COST RECOVERY

23 12. Section 125.3, subdivision (a), states, in pertinent part: "Except as  
24 otherwise provided by law, in any order issued in resolution of a disciplinary proceeding before  
25 any board within the department . . . . upon request of the entity bringing the proceedings may  
26 request the administrative law judge may direct a licensee found to have committed a violation  
27 or violations of the licensing act to pay a sum not to exceed the reasonable costs of the  
28 investigation and enforcement of the case."

1 FIRST CAUSE FOR DISCIPLINE

2 (Conviction of a Substantially Related Crime)

3 13. Respondent is subject to disciplinary action under section 1670, on the  
4 grounds of unprofessional conduct, as defined in Code sections 1670.1 and 490, and the  
5 California Code of Regulations, title 16, section 1019, in that Respondent was convicted of a  
6 crime substantially related to the qualifications, functions, or duties of a dentist, as follows:

7 (a) On or about July 17, 2007, Respondent was convicted by the Court on a  
8 plea of nolo contendere for violating Welfare and Institutions Code section 14107(b)(1)  
9 (presenting false Medi-Cal claims); which was reduced to a misdemeanor, in the criminal  
10 proceeding entitled *The People of The State of California v. Vladislav Viksman* (Superior Ct. Los  
11 Angeles County, 2007, No. BA320107). Respondent was given a suspended sentence, placed on  
12 one day of probation, ordered to pay restitution in the amount of \$51,183.26 to the Denti-Cal  
13 program and ordered to pay \$8470.00 for the cost of investigation to the Department of Justice.  
14 The circumstances surrounding the conviction are that from 2002 through 2005, Respondent was  
15 billing and being paid for dental services that were not rendered. Respondent, with intent to  
16 defraud, presented and caused to be presented to Denti-Cal false and fraudulent claims for  
17 allowances and payments. On or about October 16, 2007, Respondent filed a petition and order  
18 under Penal Code section 1203.4. to expunge his record. That Motion was granted.

19 SECOND CAUSE FOR DISCIPLINE

20 (Obtaining Fees by Fraud and/or Misrepresentation)

21 14. Complainant refers to, and by this reference incorporates, the allegation set forth  
22 in paragraph 13, subparagraph (a), inclusive, as though set forth fully.

23 15. Respondent is subject to disciplinary action under section 1670 and section 810,  
24 subdivision (a), on the grounds of unprofessional conduct for violating section 1680, subdivision  
25 (a) and (n), in that Respondent obtained fees by fraud and /or misrepresentation.

26 PRAAYER

27 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
28 alleged, and that following the hearing, issue a decision:

1. Revoking or suspending Dentist License Number 39909, issued to Respondent;
2. Ordering Respondent to pay the Board the reasonable costs of the investigation and enforcement of this case, and, if placed on probation, the costs of probation monitoring; and
3. Taking such other and further action as deemed necessary and proper.

DATED: FEB. 25, 2009



CATHLEEN J. PONCABARE  
Executive Officer  
Dental Board of California  
Department of Consumer Affairs  
State of California  
Complainant

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